

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-10 and 12-71 are presently active in this case, Claims 12-71 previously withdrawn from consideration by the Examiner, and Claims 7 and 8 amended by way of the present amendment.

In the outstanding Official Action the IDS submitted along with the previous amendment filed December 17, 2003 was objected to; Claims 7 and 8 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1 and 5-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,669,748 to Knudsen, Jr.; and Claims 1 and 3-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudsen, Jr. in view of U.S. Patent No. 5,401,229 to Otsuka et al.

First, Applicants wish to thank Examiner Butler for the April 21, 2004 telephone discussion at which time Applicants requested a personal interview. Examiner Butler listened to Applicants' position, but refused to grant a personal interview.

With regard to the objection to the IDS, the outstanding Official Action notes that the IDS submitted with the December 17, 2003 Official Action does not match the references originally filed. The Official Action further names two references, Stolzer et al. and Lai, which the Examiner believes were submitted at the time of filing the present application. Applicants respectfully submit however that the date-stamped filing receipt submitted herewith provides evidence that the PTO form 1449 and list of related cases statement submitted herewith was in fact filed on May 4, 2001 at the time of filing the present application. In this regard, Applicants note that the date-stamped filing receipt indicates four references cited on the PTO form 1449, which is consistent with the copy of the PTO form 1449 enclosed herewith. Moreover, the PTO form 1449 includes the docket number and

inventor of the present application. In contrast, only two references were listed in the "IDS" portion of the outstanding Official Action. Therefore, Applicants believe that an error was made in the Patent office which resulted in the wrong PTO form 1449 being matched with the present application. Applicants respectfully request that the Examiner check the docket number and inventor on the PTO form 1449 including the references to Stolzer et al. and Lai. Further, Applicants respectfully request that the Examiner examine and initial the references listed on the PTO form 1449 submitted herewith.

With regard to the rejection under 35 U.S.C. § 112, second paragraph, Claims 7 and 8 have been amended to correct the noted informalities. In this regard, Applicants note that Claim 7 does not recite that the worksite performs delivery of an article. Therefore, Claim 7 was amended to correct the lack of antecedent basis problem, and only Claim 8 was amended to recite that the worksite affects delivery of an article. Therefore, the rejection under 35 U.S.C. § 112, second paragraph is believed to be overcome and no further rejection on this basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually satisfactory claim language.

Turning now to the merits, Applicants' invention is directed to a method and system for managing racks used for packing, storing or delivering articles or products. As described in the Background of the Invention section of the present application, durable reusable racks have recently come into use for delivering new products and collecting old products from a delivery site. However, with the large volume replacement of electronic equipment such as copiers, management of the reusable racks has become difficult. For example, there are many cases where a new product of a copier is delivered to a customer and at the same time the old product already owned by the customer but having a different shape than the new product is collected at the customer site. Thus the rack used for delivering the new product

cannot be used for collecting the old product and two separate racks must be brought to the customer's site. This makes delivery difficult and less efficient. Applicants' invention is directed to addressing this problem.

Specifically, Applicants' Claim 1 recites a system for managing racks used for packing, storing or delivering articles, the racks being assembled from a plurality of rack components stocked at a management center and repeatedly used for packing storing or delivering articles. The system includes a specification unit configured to specify a plurality of first rack components required to assemble a first rack used to pack a first article for delivery to a delivery site and second rack components that are not required to assemble the first rack yet require to assemble a second rack used to pack a second article to be collected from the delivery site when the first article is delivered. Also recited is an instruction unit configured to provide instructions for a delivery procedure for the first article and a collection procedure for the second article, the instructions including directions for assembling the second rack using at least one of the first rack components and the second rack components specified by the specification unit. Thus, Applicants' independent Claim 1 makes clear that the second rack for packing a second article to be collected from a delivery site is assembled using at least one of the first rack components along with the second rack components. By using some rack components for both a delivery rack and a collection rack, the amount of rack equipment needed to deliver and collect a product is reduced, making the replacement process for electronic equipment easy and efficient.

In contrast the cited reference to Knudsen, Jr., discloses a process of storing and retrieving different types of products from a storage warehouse. As shown in Figure 1A, a control system 25 causes a crane (storage retrieval device 18) to receive products from a high rise storage structure having separate storage structures 12a and 12b. As shown in Figure 3, each storage structure 12a and 12b has individual compartments called "racks" 14. The crane

18 moves on a rail between the storage structures 12a and 12b and removes product pallets from the racks and deposits them in a shipping lane 24 where products are picked from the pallets and placed into trucks for shipment. The control system 25 records and maintains current data pertaining to the inventory (quantity of pallets) in each rack 14 or lane 24. However, there is no discussion in Knudsen, Jr., about using a first storage rack for one product and a second storage rack for another product where the first storage rack and storage rack have at least one common component.

Nevertheless, the outstanding Official Action takes the position that Knudsen, Jr., anticipates independent Claim 1 of the present invention. However, to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, a single prior art reference must describe each and every element as set forth in the subject claim. Verdegaal Bors. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the... claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Moreover, as required by M.P.E.P. § 2143.03, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” Applicants respectfully submit that the cited reference to Knudsen, Jr., fails to teach each and every limitation of Claim 1.

First, Knudsen, Jr., does not disclose a specification unit configured to specify a plurality of first rack components required to assemble a first rack used to pack a first article for delivery to a delivery site, and second rack components that are not required to assemble said first rack yet required to assemble a second rack used to pack a second article to be collected from the delivery site when the first article is delivered. In this regard, applicants note that the Official Action addresses this limitation as follows:

“(Re: Cl 1) a specification unit 25 configured to specify a plurality of first rack components required to assemble rack and those not required for first rack yet required for second rack (c9 L 29 – c10 L 13; c4 L 14-30)”

However, there is no discussion in these portions of Knudsen, Jr., of rack components used for assembling a first rack and a second rack. In this regard, Applicants note that the outstanding Official Action is completely silent as to how these portions of Knudsen, Jr., meet the claim limitation relating to the specification unit.

In addition, Knudsen, Jr., does not disclose an instruction unit configured to provide instructions for a delivery procedure for the first article and a collection procedure for the second article the instructions including directions for assembling the second rack using at least one of the first rack components along with the second rack components specified by the specification unit. As noted above, it is this feature of the present invention that reduces the amount of shipping rack equipment necessary to deliver a new product and retrieve an old product from a customer site. Knudsen, Jr.'s disclosure of moving articles from storage areas to a shipping area in no way relates to Applicants' present invention. In this regard, Applicants note that the outstanding Official Action addresses the above-noted limitation by simply stating "instruction unit configured to provide delivery procedure for second article (see 12 L 6-45)." Thus, the outstanding Official Action completely ignores the key feature of the instruction unit providing directions for assembling the second rack using at least one of the first rack components along with the second rack components specified by the specification unit. Moreover, the outstanding Official Action fails to explain how the cited portion of column 12 of Knudsen, Jr., teaches the limitation relating to the instruction unit. This portion of Knudsen, Jr. explains a process for consolidating partially filled storage racks and product shipping lanes into full racks or lanes. Thus, this portion of Knudsen, Jr., is also unrelated to using at least one common rack component for a first rack and a second rack in accordance with the present invention.

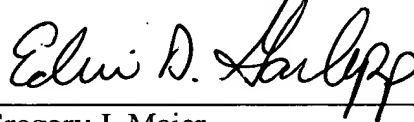
Thus, Applicants' Claim 1 patentably defines over Knudsen, Jr. Moreover, the cited reference to Otsuka et al. does not correct the deficiencies of Knudsen, Jr. Specifically,

Otsuka et al. is not disclosed for the feature of using at least one common rack component for a first delivery rack and a second collection rack as discussed above; rather, Otsuka et al. merely discloses a rack assemble with components at the production site. Thus, Applicants' Claim also patentably defines over the combination of Knudsen, Jr., and Otsuka et al. As Claims 2-10 depend from Claim 1, these claims also patentably define over the cited references.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, the present application is believed to be in condition for formal allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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